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23117	7590	12/12/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				PATEL, ASHOKKUMAR B
ART UNIT		PAPER NUMBER		
2154				

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/830,271	BALE ET AL.
	Examiner Ashok B. Patel	Art Unit 2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 18-38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-38 are subject to examination. Claims 1-17 are cancelled.

### *Response to Arguments*

2. Applicant's arguments filed 09/22/2006 have been fully considered but they are not persuasive for the following reasons:

#### **Applicant's argument: § 101 rejection**

"The Examiner's § 101 rejection is not understood because claims 30 and 31 are dependent claims which depend respectively from claims 18 and 28. Since parent claims 18 and 28 pass § 101 muster it is not understood how dependent claims 30 and 31 cannot. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 30 and 31."

#### **Examiner's response:**

Claims 30 and 31, as stated previously, are directed independently merely to a communication network. As such, these are not dependent claims, they are independent claims.

#### **Applicant's argument:**

"The Examiner's citation of Obhan as anticipating the present claims is in error because the reference is not directed to an improved messaging platform."

#### **Examiner's response:**

Examiner is having difficulty in understanding the basis of any further argument when Applicant is considering the citation of Obhan in error just because the reference is not directed to an improved messaging platform.

How does this statement exert any relevancy to claimed limitations? Rather, Examiner deducts that the reference indeed, and as stated previously, is directed to a messaging platform.

**Applicant's argument:**

"Obhan concerns the management of radio spectrum in wireless communication systems, i.e., methods for managing the loading of subscribers or callers and not the loading of a messaging platform."

"The claims are also all directed to methods "for managing subscriber load within a terrestrial wireless communication system".

**Examiner's response:**

This is what col. 2, line 35-60 says "Thus, in order to overcome the above described shortcomings, among others, a Spectrum Yield Management (SYM) system and method of operation tracks spectrum usage in real-time. Spectrum usage is measured in both real-time usage (of active subscribers) and in potential usage (of inactive subscribers that have registered with the system). Based upon the actual subscriber loading levels, potential subscriber loading levels, historical loading levels and the system capacity, the SYM system performs operations that manage use of the available spectrum according to the operating goals of the system operator." This is not "managing the loading of subscribers or callers", rather it is as clearly indicated "manage use of the available spectrum" "Based upon the actual subscriber loading levels, potential subscriber loading levels, historical loading levels and the system capacity." Thus, it is "managing the loading of a messaging platform."

Examiner agrees that "The claims are also all directed to methods "for managing subscriber load within a terrestrial wireless communication system".

**Applicant's argument:**

"But it is clear that the system as a whole is not a messaging platform -- any messaging platform discussed therein is only a subset of the whole system and does not constitute the primary thrust of the reference."

**Examiner's response:**

Examiner is having difficulty in understanding the Applicant's intent of evaluating the reference through this statement.

How does this statement exert any relevancy to claimed limitations? Rather, Examiner deducts that the reference indeed, and as stated previously, is directed to a messaging platform.

**Applicant's argument: Claim 18**

"The Examiner mistakenly alleges, however, that Obhan also discloses "a control interface arranged to allow the communication of control signals between the messaging platform and a service provider," as required in claim 18."

"It is error for the Examiner to allege that these portions of Obhan disclose a control interface operatively associated with a messaging platform. Obhan simply does not teach (or even suggest) this element of present claim 18.

For the third integer of the claim "an overload controller provided on the control interface and responsive to an overload condition of the platform and arranged, in response to the said overload condition, to limit loading of the platform by signals

arriving on said control interface" the examiner cites Figure 1, element 100 – the spectrum yield management (SYM) system, and the passage from line 65 of column 4 to line 36 of column 5. This passage however is not at all concerned with any messaging platform elements of the system."

**Examiner's response:**

Examiner would like to present the facts on the teachings of Obhan as follows, step by step.

Obhan teaches at col.3, line 35-40, "In dividing the subscribers into classes, differing types of access may be provided over time. For example, voice users will have access to the system on an as-needed basis, subject to class restraints that may limit the access of certain classes of voice users during heavy loading periods." This teaches that subscriber (end user) is the service provider.

Obhan teaches at col.10, line 7-20, "The wireless communication system illustrated is designed so that communication trunks connect the base stations 308, 310, 312 and 314 to the BSCs 304 and 306 have ample capacity to carry a maximum base station loading. Thus when wireless networks become loaded and calls are blocked, the source of congestion is generally the air interface between the base station and the subscriber unit. This source of the congestion may be either the control channels used for signaling or may be traffic channels. The SYM server 324 tracks usage of the channels to identify bottlenecks within the wireless communication system. To make effective use of current demand information, it is important that the information be

available in real-time to the SYM server 324." The details of SYM server 324 is described at col. 4, line 65-col. 5, line 36.

This where Obhan teaches an "an overload controller provided and responsive to an overload condition of the platform and arranged, in response to the said overload condition, to limit loading of the platform by signals arriving ."

Now, Obhan teaches at col.18, line 41-62, col. 19, line 21, "FIG. 12 is a logic diagram illustrating operation according to the present invention in selectively completing a call to a subscriber unit. Operation commences at step 1202 where the MSC performs normal operations until a call is received for a subscriber unit at step 1204. From step 1204, operation proceeds to step 1206 wherein the MSC sends a locate request to the VLR for the subscriber unit. The VLR responds at step 1208, identifying the corridor in which the subscriber was last located. Based upon the identity of the corridor, the MSC queries the ACB for the corridor in which the subscriber appears to be located at step 1210. The ACB returns the corridor availability information to the MSC at step 1212, indicating the class supported by the corridor.

At step 1214, it is determined whether the corridor supports delivery of the call. For example, if the corridor is loaded, it may support delivery of only premium subscriber calls. If the corridor does support delivery for the class of the destination subscriber, the call is completed and serviced at step 1216. However, if the corridor does not support delivery to the subscriber, completion is denied and/or a voice message is taken at step 1218. From both steps 1216 and 1218, operation returns to step 1202."

Please note that Obhan teaches to selectively complete a call to a subscriber unit, and "if the corridor does not support delivery to the subscriber, completion is denied and/or a voice message is taken at step 1218." Thus, Obhan also teaches "a message store arranged to receive message data and to store said message data for subsequent retrieval."

Now, Obhan further teaches the calls originating from a subscriber unit at col.18, line 63- col. 19, line 21, "For calls originating from a subscriber unit, at least two differing scenarios may be employed. Where the subscriber unit has knowledge of whether it has access to the system, it will apprise the user of such potential limitations or prevent access. In the case of a low priority voice user, or a low priority data user (e.g., a vending machine), the origination of calls will be controlled by the subscriber unit to preclude call initiation when the subscriber unit does not have access. Where the subscriber unit does not know whether it has access to the system, the network infrastructure may simply block its attempted call if the subscriber unit does not have access to the system (as may be determined upon access of an ACB). Thus, in either case, the subscriber unit will not be able to originate a call if it does not have access to the system. In a variation of this scheme, the user may override his or her access limitations in certain situations. For example, if a low priority voice user of a particular subscriber class does not have access at the present time due to current subscriber loading, he or she may select to pay an additional fee to access the system. In another example, a user may have a particular number of high demand minutes included in his or her plan which may be used in such a situation. In still another example, a data user,

such as an electronic billboard may override accessibility limitations to perform updates, with such access incurring an additional charge.”

Since Obhan allows to deliver the calls or voice messages and allows the call initiation, Obhan incorporates the messaging platform.

Also, as identified previously and as above, ACB is a “control interface a arranged to allow the communication of control signals between the messaging platform and a service providers, since it allows to deliver the calls or voice messages and initiates the call.

Also, as shown in Fig. 3, elements 330 and 324, the overload controller (324) is provided on the control interface (330).

**Applicant's argument: Claim 19**

“Here again, there is no control request --.”

“This clearly does not constitute an overload controller on a control interface denying control requests.”

**Examiner's response:**

As explained above for claim 18 and at col. 19, line 4-21, Obhan teaches “control interface is arranged to receive control requests instructing transactions on the messaging platform.”

Obhan teaches at col. 6, line 27-34, “The SYM analytical engine 102 monitors spectrum usage, spectrum availability and demand for services time within the corridors and enforces respective operating rules over each corridor. These operating rules may limit access to certain classes of subscribers during particular operating periods so that

other classes will have access. These operating rules may also limit access to certain types of services during particular operating periods as well. Capacity in wireless communication systems is planned for peak loading periods in each cell. During an installation, traffic patterns over a coverage area are estimated and cells are engineered to service peak loads in each cell/sector. This approach in planning capacity leads to surplus during non-peak hours. However, during heavy loading periods, the system may be overloaded in certain areas and block calls." (an overload controller on a control interface denying control requests.)

**Applicant's argument: Claims 20 and 21**

"The control channel has nothing to do with the messaging platform element of the system. Neither cited passage appears to teach any form of access controller."

"...fail to teach or suggest an access controller. Also, of course, the cited art still lacks a teaching of an overload controller."

**Examiner's response:**

In conjunction of explanation provided for claim 18, Obhan teaches at col.10, line 7-20, "The wireless communication system illustrated is designed so that communication trunks connect the base stations 308, 310, 312 and 314 to the BSCs 304 and 306 have ample capacity to carry a maximum base station loading. Thus when wireless networks become loaded and calls are blocked, the source of congestion is generally the air interface between the base station and the subscriber unit. This source of the congestion may be either the control channels used for signaling or may be traffic channels. The SYM server 324 tracks usage of the channels to identify

bottlenecks within the wireless communication system. To make effective use of current demand information, it is important that the information be available in real-time to the SYM server 324." Thus, BSC is an "Access controller."

**Applicant's argument: Claims 22 and 23**

"Claim 22: The cited passage, which relates to only potential demand data, does not teach the limitations of this claim."

"Again the absence from the citation of a control interface and an overload controller as required by the claims is problematic when it comes to understanding the Examiner's rejection."

**Examiner's response:24-28 and 32**

Please refer to the explanation provided for claim 18.

***Claim Rejections - 35 USC § 101***

**3.** 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**4.** Claims 30 and 31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter where:

**a.** Claims are directed merely to a communication network including a messaging platform and a messaging platform and not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful and tangible result. The claimed invention lacks patentable utility as no methodology and/or component functionality is provided as part of the claims.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 18-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Obhan (US 6, 366, 780 B1).

**Referring to claim 18,**

Obhan teaches a messaging platform including:

a message store arranged to receive message data and to store said message data for subsequent retrieval (col. 18, line 54-62, "At step 1214, it is determined whether the corridor supports delivery of the call. For example, if the corridor is loaded, it may support delivery of only premium subscriber calls. If the corridor does support delivery for the class of the destination subscriber, the call is completed and serviced at step 1216. However, if the corridor does not support delivery to the subscriber, completion is denied and/or a voice message is taken at step 1218. From both steps 1216 and 1218, operation returns to step 1202.", Fig. 12, elements 1204 and 1218, Fig. 4, col. 9, line 4-21, "FIG. 14 is a logic diagram illustrating operation according to the present invention in delivering time sensitive and time insensitive messages. Such messages may be for

receipt by a human user. However, these messages may also be for receipt by a machine, without human intervention.");

a control interface arranged to allow the communication of control signals between the messaging platform and a service provider (col. 5, line 29-32, col. 19, line 4-21, "Where the subscriber unit does not know whether it has access to the system, the network infrastructure may simply block its attempted call if the subscriber unit does not have access to the system (as may be determined upon access of an ACB). Thus, in either case, the subscriber unit will not be able to originate a call if it does not have access to the system. In a variation of this scheme, the user may override his or her access limitations in certain situations. For example, if a low priority voice user of a particular subscriber class does not have access at the present time due to current subscriber loading, he or she may select to pay an additional fee to access the system. In another example, a user may have a particular number of high demand minutes included in his or her plan which may be used in such a situation. In still another example, a data user, such as an electronic billboard may override accessibility limitations to perform updates, with such access incurring an additional charge."); and

an overload controller provider on the control interface and responsive to an overload condition of the platform and arranged, in response to the said overload condition, to limit loading of the platform by signals arriving on said control interface. (Fig. 1, element 100, col. 4, line 65 through col. 5, line 36, "The spectrum yield management (SYM) system 100 includes a SYM analytical engine 102, system operator parameters 104 and a database 106, which together may be implemented by a

separate computing device or a plurality of computing devices. These computing devices may be constructed as personal computers, server computers, mainframe computers or other forms of computing devices. In any case, the computing device(s) has sufficient computing capacity to perform the operations required by the present invention. The structure of computing devices is generally known in the art and will not be further described herein except as to expand upon the teachings of the present invention. The computing device may be tightly coupled with an MSC, BSC or other wireless network device or may be a part of the MSC, BSC or other wireless network device.

The SYM analytical engine 102 couples to the wireless network infrastructure 108 of a wireless communication system. In its operation, the SYM analytical engine 102 receives current demand data 118 and potential demand data 120 from the wireless network infrastructure 108 and delivers SYM operating signals 122 to the wireless network infrastructure 108. The current demand data 118 and potential demand data 120 indicate the current subscriber loading and the potential subscriber loading, respectively, within the wireless communication system.

The system operator parameters 104 include subscriber profiles 110 for a plurality of subscribers operating within the wireless communication system.")

**Referring to claim 19,**

Obhan teaches a platform as in claim 18 wherein said control interface is arranged to receive control requests instructing transactions on the messaging platform (col. 19, line

4-21), and wherein said overload controller includes means for denying at least some of the control requests in response to the overload condition. (col. 18, line 54-62).

**Referring to claim 20,**

Obhan teaches a platform as in claim 18 further comprising:

an access controller arranged to receive data and control channels from one or more service providers and connected to said overload controller, wherein said overload controller limits loading of said platform by signals arriving on the control interface by functioning in combination with said access controller.(col. 5, line 50 through col. 6, line 4, col. 10, line 7-20):

**Referring to claim 21,**

Obhan teaches a platform as in claim 18 further comprising:

an access controller arranged to receive data and control channels form one or more service providers and connected to said overload controller.(col. 5, line 50 through col. 6, line 4, col. 10, line 7-20),, wherein said overload controller limits loading of said platform by signals arriving on the control interface by functioning in combination with said access controller (col. 6, line 5-15), wherein said overload controller functions in combination with said access controller to limit loading of said platform by signals arriving on the control interface by configuring the access controller to deny access to the platform of certain predetermined signals (col. 6, line 5-15).

**Referring to claim 22,**

Obhan teaches a platform as in claim 18 wherein said service provider comprises an end user. (col. 6, line 5-15).

**Referring to claim 23,**

Obhan teaches a platform as in claim 18 wherein:

    said control interface is arranged to receive control requests instructing transactions on the messaging platform (col. 19, line 4-21),

    said overload controller includes means for denying at least some of the control requests in response to the overload condition (col. 18, line 54-62), and

    said overload controller detects the rate of transactions between the access controller and a plurality of said service providers (col. 6, line 5-15).

**Referring to claim 24,**

Obhan teaches a platform as in claim 18 in which the overload controller is programmed with criteria for applying different classes of service to control requests received at the control interface and the overload controller is arranged, in response to an overload condition on the platform, selectively to deny control requests depending on a class of service assigned in accordance with the said criteria to the control request (col. 3, line 24-44).

**Referring to claim 25,**

Obhan teaches a platform as in claim 18 in which: the overload controller is programmed with criteria for applying different classes of service to control requests received at the control interface (Figs . 7A and 7B, col. 5, line 5-15)

the overload controller is arranged, in response to an overload condition on the platform, selectively to deny control requests depending on a class of service assigned in accordance with the said criteria to the control request, and the criteria apply a class

of service selected depending on the identity of a service provider originating the said control requests. (col. 5, line 24-26).

**Referring to claim 26,**

Obhan teaches a platform as in claim 18 in which the overload controller is programmed with criteria for applying different classes of service to control requests received at the control interface and the overload controller is arranged, in response to an overload condition on the platform, selectively to deny control requests depending on a class of service assigned in accordance with the said criteria to the control request, and in which the criteria apply a class of service selected depending on the identity of a subscriber mailbox to which the control request applies. (col. 5, line 24-32, line 5-15, col. 19, line 49-52, col. 18, line 54-62)

**Referring to claim 27,**

Obhan teaches a platform as in claim 18 in which the overload controller is programmed with criteria for applying different classes of service to control requests received at the control interface and the overload controller is arranged, in response to an overload condition on the platform, selectively to deny control requests depending on a class of service assigned in accordance with the said criteria to the control request, and in which the criteria apply different service classes depending on the transaction requested by the control request. (Figs . 7A and 7B, col. 5, line 5-15, line 24-26)

**Referring to claim 28,**

Obhan teaches a messaging system comprising:

a service platform running a messaging service application (Fig. 3, elements 328s, col. 5, line 30-32); and a messaging platform comprising: a message store arranged to receive message data and to store said message data for subsequent retrieval (col. 18, line 54-62," At step 1214, it is determined whether the corridor supports delivery of the call. For example, if the corridor is loaded, it may support delivery of only premium subscriber calls. If the corridor does support delivery for the class of the destination subscriber, the call is completed and serviced at step 1216. However, if the corridor does not support delivery to the subscriber, completion is denied and/or a voice message is taken at step 1218. From both steps 1216 and 1218, operation returns to step 1202.", Fig. 12, elements 1204 and 1218, Fig. 4, col. 9, line 4-21," FIG. 14 is a logic diagram illustrating operation according to the present invention in delivering time sensitive and time insensitive messages. Such messages may be for receipt by a human user. However, these messages may also be for receipt by a machine, without human intervention.");

a control interface arranged to allow the communication of control signals between the messaging platform and a service provider(col. 5, line 29-32, col. 19, line 4-21, "Where the subscriber unit does not know whether it has access to the system, the network infrastructure may simply block its attempted call if the subscriber unit does not have access to the system (as may be determined upon access of an ACB). Thus, in either case, the subscriber unit will not be able to originate a call if it does not have access to the system. In a variation of this scheme, the user may override his or her access limitations in certain situations. For example, if a low priority voice user of a

particular subscriber class does not have access at the present time due to current subscriber loading, he or she may select to pay an additional fee to access the system. In another example, a user may have a particular number of high demand minutes included in his or her plan which may be used in such a situation. In still another example, a data user, such as an electronic billboard may override accessibility limitations to perform updates, with such access incurring an additional charge."); and

an overload controller provided on the control interface and responsive to an overload condition of the platform and arranged, in response to the said overload condition, to limit loading of the platform by signals arriving on said control interface(Fig. 1, element 100, col. 4, line 65 through col. 5, line 36, "The spectrum yield management (SYM) system 100 includes a SYM analytical engine 102, system operator parameters 104 and a database 106, which together may be implemented by a separate computing device or a plurality of computing devices. These computing devices may be constructed as personal computers, server computers, mainframe computers or other forms of computing devices. In any case, the computing device(s) has sufficient computing capacity to perform the operations required by the present invention. The structure of computing devices is generally known in the art and will not be further described herein except as to expand upon the teachings of the present invention. The computing device may be tightly coupled with an MSC, BSC or other wireless network device or may be a part of the MSC, BSC or other wireless network device.

The SYM analytical engine 102 couples to the wireless network infrastructure 108 of a wireless communication system. In its operation, the SYM analytical engine

102 receives current demand data 118 and potential demand data 120 from the wireless network infrastructure 108 and delivers SYM operating signals 122 to the wireless network infrastructure 108. The current demand data 118 and potential demand data 120 indicate the current subscriber loading and the potential subscriber loading, respectively, within the wireless communication system.

The system operator parameters 104 include subscriber profiles 110 for a plurality of subscribers operating within the wireless communication system.");

wherein said control interface is arranged to connect said messaging platform to the service platform (Fig. 3, elements 328s, col. 5, line 30-32), and said messaging platform is arranged to receive control requests from the service platform via said control interface. (col. 19, line 4-21)

**Referring to claim 29,**

Obhan teaches a messaging system as in claim 28 in which the service platform is remote from the messaging platform. (col. 19, line 4-21)

**Referring to claim 30,**

Claim 30 is a claim to a communications network including a messaging platform as in claim 18. Therefore claim 30 is rejected for the reasons set forth for claim 18.

**Referring to claim 31,**

Claim 31 is a claim to a communications network including a messaging system as in claim 28. Therefore claim 31 is rejected for the reasons set forth for claim 28.

**Referring to claim 32,**

Obhan teaches a method of operating a messaging platform, the messaging platform

comprising a message store arranged to receive message data and to store said message data for subsequent retrieval, a control interface arranged to allow the communication of control signals between the messaging platform and a service provider; and an overload controller provided on the control interface and responsive to an overload condition of the platform and arranged, in response to the said overload condition, to limit loading of the platform by signals arriving on said control interface, the method comprising:

- a) storing message data on the messaging platform; b) subsequently outputting message data from the platform, thereby allowing retrieval of a corresponding message (col. 18, line 54-62, Fig. 12, elements 1204 and 1218, Fig. 4, col. 9, line 4-21);
- c) detecting an overload condition of the messaging platform; and, in response to the overload condition; and d) limiting loading of the messaging platform by signals arriving on the control interface. (Fig. 1, element 100, col. 4, line 65-col. 5, line 36).

**Referring to claim 33,**

Obhan teaches a method as in claim 32 further comprising:

- e) receiving via the control interface of the message platform control requests instructing a transaction on the messaging platform (col. 19, line 4-21), wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface access to the platform (col. 18, line 54-62).

**Referring to claim 34,**

Obhan teaches a method as in claim 32 further comprising:

receiving via the control interface of the message platform control requests instructing a transaction on the messaging platform (col. 19, line 4-21), wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface access to the platform (col. 18, line 54-62).

applying different classes of service to the control requests (Figs. 7A and 7B, col. 5, line 5-15); and,

in response to the overload condition, selectively denying some only of the control requests depending on the class of service applied to the control requests.(col. 5, line 24-26).

**Referring to claim 35,**

Obhan teaches a method as in claim 32 further comprising:

receiving via the control interface of the message platform control requests instructing a transaction on the messaging platform (col. 19, line 4-21), wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface access to the platform (col. 18, line 54-62).

applying different classes of service to the control requests; and, in response to the overload condition; selectively denying some only of the control requests depending on the class of service applied to the control requests(Figs. 7A and 7B, col. 5, line 5-15); and

applying different classes of service to control requests depending on the identity of an originating service provider.(col. 5, line 24-32).

**Referring to claim 36,**

Obhan teaches a method as in claim 32 further comprising: receiving via the control interface of the message platform control requests instructing a transaction on the messaging platform (col. 19, line 4-21), wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface access to the platform (col. 18, line 54-62).

applying different classes of service to the control requests (Figs. 7A and 7B, col. 5, line 5-15); and,  
in response to the overload condition, selectively denying some only of the control requests depending on the class of service applied to the control requests.(col. 5, line 24-26).

applying different classes of service to control requests depending on identities of customer mailboxes to which the control requests apply. (Figs. 7A and 7B, col. 5, line 29-32, col. 19, line 4-21, col. 18, line 54-62, col. 9, line 4-21).

**Referring to claim 37,**

Obhan teaches a method as in claim 32 further comprising:

Obhan teaches a method as in claim 32 further comprising: receiving via the control interface of the message platform control requests instructing a transaction on the messaging platform (col. 19, line 4-21), wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface access to the platform (col. 18, line 54-62).

applying different classes of service to the control requests (Figs. 7A and 7B, col. 5, line 5-15); and, in response to the overload condition, selectively denying some only of the control requests depending on the class of service applied to the control requests.(col. 5, line 24-26).

applying different classes of service to control requests depending on the transaction requested by the control request. (Figs. 7A and 7B, col. 5, line 29-32, col. 19, line 4-21, col. 18, line 54-62, col. 9, line 4-21).

**Referring to claim 38,**

Obhan teaches a method as in claim 32 further comprising: receiving via the control interface of the message platform control requests instructing a transaction on the messaging platform (col. 19, line 4-21), wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface access to the platform (col. 18, line 54-62).

applying different classes of service to the control requests (Figs. 7A and 7B, col. 5, line 5-15); and, in response to the overload condition, selectively denying some only of the control requests depending on the class of service applied to the control requests.(col. 5, line 24-26).

applying different classes of service to control requests depending on the transaction requested by the control request. (Figs. 7A and 7B, col. 5, line 29-32, col. 19, line 4-21, col. 18, line 54-62, col. 9, line 4-21).

wherein the messaging platform includes: a plurality of mailboxes containing message data, each mailbox being switchable between an open state, in which

message data may be written to or read from the mailbox, and a closed state, and in which the step of limiting loading includes allowing requests for the closing of a mailbox and denying requests for the opening of a mailbox. ((Figs. 7A and 7B, col. 5, line 29-32, col. 19, line 4-21, col. 18, line 54-62, col. 9, line 4-21).

***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm. ~~NATHAN J. FLYNN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER, 2800~~

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan A. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Abp